

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
RENO, NEVADA

CHINA ENERGY CORPORATION,	)	3:13-CV-0562-MMD-VPC
	)	
Plaintiff(s),	)	<b><u>MINUTES OF PROCEEDINGS</u></b>
	)	
vs.	)	DATED: March 21, 2014
	)	
ALAN T. HILL, et al.,	)	
	)	
Defendant(s).	)	
_____	)	

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE  
Deputy Clerk: Lisa Mann Court Reporter: FTR  
Counsel for Plaintiff(s): Justin Bustos and (By telephone) Frances Goins  
Counsel for Defendant(s): Tamara Reid, Edmund Gorman, and (By telephone) Michael Sammons  
Sammons, Elena Sammons, Jun He, and Randy Floyd  
Counsel for Third-Party Defendant(s): Daniel Hayward, Bret Meich, and (By telephone) Lawrence  
Elbaum and Peter Teply

PROCEEDINGS: CASE MANAGEMENT CONFERENCE

11:05 a.m. Court convenes.

The Court takes roll clarifying who represents who and notes there are several pending motions in this action.

The Court recites the chronology of events in this action regarding the motions filed by Mr. Sammons and the Court and Mr. Sammons discuss the status of his pending motions.

The Court and the parties discuss the issue of phased discovery in this action.

Having heard from the parties and good cause appearing, the Court finds as follows:

**1. Michael Sammons and Elena Sammons's motion to strike or withdraw response to motion to dismiss (#160)**

Michael Sammons and Elena Sammons's motion to strike or withdraw response to motion to dismiss (#160) is GRANTED. Therefore, (#156) is WITHDRAWN.

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**3. Third-Party defendants Cede & Co. and The Depository Trust Company's motion to dismiss (#152)**

In light of the Court granting the Sammons' motion to strike or withdraw response to motion to dismiss (#160), the Sammons' amended response (#172) stands as the operative response to motion (#152). Third-Party defendants Cede & Co. and The Depository Trust Company shall have until no later than the close of business on **Friday, April 4, 2014**, to file a supplemental reply.

**4. Stay of discovery as to Third-Party defendants**

The Court finds it shall defer ruling on the third-party defendants' request for a stay of discovery pending a ruling by the District Court on the motion to dismiss (#152) until after the third-party defendants file their supplemental reply. The Court advises it will review the papers on file regarding the motion to dismiss (#152) and then issue a ruling. However, the Court finds discovery as to the third-party defendants Cede & Co. and The Depository Trust Company is STAYED until this Court's issues its ruling. The Court confirms the deadline of April 6, 2014, generated by the electronic case filing system for a discovery plan and scheduling order from the third-party defendants does not apply.

**5. Bifurcation of discovery**

The Court finds it shall allow fact discovery to proceed under the current discovery plan and scheduling order with the exception of the Sammons and the third-party defendants Cede & Co. and The Depository Trust Company.

The disclosure of expert witnesses and rebuttal experts shall be suspended until the District Court enters a ruling on all dispositive motions. Thereafter, the parties shall within thirty (30) days after the District Court enters a ruling on all dispositive motions request a case management conference before this Court. The Court and the parties will then decide how best to engage in expert discovery.

**6. Mr. Sammons's for summary judgment as to Cede & Co. and The Depository Trust Company (#183)**

If the District Court denies the third-party defendants motion to dismiss (#152) and an answer is due, the third-party defendants Cede & Co. and The Depository Trust Company shall have twenty-one (21) days after the answer is due to file an opposition to the motion for summary judgment (#183).

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**7. Case management conference**

The case management conference currently set for April 4, 2014 at 9:00 a.m. is VACATED and RESCHEDULED for **Friday, May 2, 2014 at 10:00 a.m.** The parties are directed to file a joint or separate case management report by no later than the close of business on **Tuesday, April 29, 2014**. If there are no issues for the Court's consideration, the parties are directed to include a stipulation to vacate the conference in their case management report. Out-of-state and out-of-town parties shall be allowed to appear telephonically for this hearing and shall dial **877-336-1829** at least five (5) minutes prior to the hearing to be properly connected into the courtroom. The **Access Code** is **2809752** and the **Security Code** is **135620502**.

**8. Plaintiff's motion to modify the discovery plan and scheduling order (#168)**

Plaintiff's motion to modify the current discovery plan and scheduling order (#168) is GRANTED in part and DEFERRED in part. The Court approves the request for an extension of the current discovery cut-off to **Monday, June 23, 2014**. With respect to expert discovery, the Court and the parties will determine how best to proceed at a case management conference after the District Court enters its rulings on all pending dispositive motions.

IT IS SO ORDERED.

12:22 p.m. Court adjourns.

LANCE S. WILSON, CLERK

By:                     /s/                      
Lisa Mann, Deputy Clerk